

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION
(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union
- 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal
_____ Change in Non-Conforming Use
- 3. Applicant's Name Comair Radio Control Club % Michael Stuart
Phone Number 525-3427 525-3400 (fax)
Applicant's Address P.O. Box 75172
Cincinnati Ohio 45275
City State Zip
- 4. Description of Request: Approval commercial, outdoor recreation
(operation of radio controlled vehicles) as a conditional use.
- 5. Name of Development Comair Radio Control Club
- 6. Location of Development Burlington-Idlewild Road & Schneider Road
4194 Liz-Mark Rd.
- 7. Acreage Under Review 10 acres of 271 acre tract.
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Laurance Bergman, Partner
Phone Number 984-2444
- 10. Address of Property Owner 4440 Carver Woods Drive
Cincinnati Ohio 45242
City State Zip
- 11. Proposed Use(s) On Site Private, not-for-profit radio control
vehicle club.
- 12. Total Square Footage of Existing and/or Proposed Buildings
1,920 sq. ft. building for office, club house, storage.
- 13. Current Zoning on Property A-1
- 14. Deed Book 361 Page No. 253 Group No. 2012
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with
this request? Yes
- 18. Applicant's Signature: Michael Stuart
- 19. Property Owner's Signature: Laurance Bergman

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-13-91
2. Fee Received \$351.00 R 6510
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved with Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons for Disapproval: _____

STAFF REPORT

#2

APPLICANT: Comair Radio Control Club (Michael Stuart)
DEVELOPMENT: Comair Radio Control Club
LOCATION: 4194 Liz-Mark Rd., Boone County
ZONE: Agriculture (A-1)
DATE: June 12, 1991, 6:30 p.m.

REMARKS:

The applicant is requesting a Conditional Use Permit to allow the operation of a radio controlled vehicle club. The ten (10) acre site, located on the north side of Liz-Mark Road, west of Idlewild Road, is zoned Agriculture (A-1), and is owned by Laurance Bergman.

Request

The applicant is proposing to operate a club dedicated to flying radio controlled model airplanes. It has leased 10 acres in the center of a 271 acre parcel off a private drive on Liz-Mark Road. According to the applicant, club currently has about 45 members, all of whom own model airplanes. The applicant also intends to provide a track for radio controlled model automobiles.

According to a Site Plan submitted by the applicant, the club intends to use two (2) runways: a paved runway running generally northeast to southwest, and a grass landing strip running generally southeast to northwest. The paved runway has been installed prior to the Board's consideration. A gravel parking area for twenty (20) vehicles, served by an existing gravel driveway, has also been installed. The plan indicates that a 2,500 square foot modular clubhouse with an attached screened-in deck will be installed to provide bathroom facilities, office space, and meeting room. A thirty-two (32) square foot sign is proposed near Liz-Mark Road. Finally, the existing barn and house indicated on the plan are outside the club's leased space and will not be used. Both are currently vacant.

The site is surrounded on all sides by either A-1 or A-2 zoning. All surrounding properties are either used for agricultural purposes or are wooded. The 271 acre site itself is partially farmed and partially wooded. The runway and related improvements are proposed to be located on a ridge near the center of the tract and which is one of the highest points in the area.

Review

Article 6, Section 613 of the Boone County Zoning Regulations lists "public and commercial outdoor recreation" as a Conditional Use in the A-1 zoning district. Although the proposed activity is not, strictly speaking, open to the public, and is not intended as a commercial enterprise, it is recreation which is not customarily incidental and subordinate to the agricultural purpose of the property. Therefore, the Zoning Administrator has classified the activity as a Conditional Use in the A-1 district.

The following reviews the general criteria which the Board must use to evaluate all requests for Conditional Use Permits:

1. The Future Land Use Map of the 1990 Boone County Comprehensive Plan indicates the future use of this property to be "Rural Lands." The text describes this land use classification as areas

which should remain in a rural character and includes agricultural uses, woodlands, recreation uses, and residential uses that do not exceed one dwelling unit per two acres. The Rural Lands designation was applied to areas which are not expected to experience significant development within the twenty-five year planning horizon due to insufficient growth factors such as lack of demand, existing or planned public or private utilities, and adequate transportation networks. (p. 198).

The Land Use element of the Plan makes no specific statement about the applicant's property. It does explain that "there are areas within this section of the County which are suitable for recreational uses, such as the 422 acre golf course recently approved on Williams Road." (p. 206).

The overall objective of the Recreation and Open Space element of the plan reads:

Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space for public use is provided. (p. 7).

Objectives of this element include:

4. Recreation areas should be centrally located in their service areas and easily and safely accessible to the population groups they are designed to serve.
 9. Throughout Boone County, recreation facilities shall be provided through the combined efforts and funding of the legislative bodies, developers, landowners, and appropriate public and semi-public agencies. (p. 8).
2. The Board must consider whether the proposed club can be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity. Since the 10 acre leased area is in the center of a 271 acre tract, and since it is approximately 0.4 of a mile of Liz-Mark Road and 0.6 of a mile of Idlewild Road, staff does not believe that the appearance of the facility will be detrimental to the surrounding area. The Board must also consider whether the activity will change the essential rural character of the area.
 3. The Board must consider whether the activity will be hazardous to existing or future neighboring uses. The applicant has indicated that the rules of

the club will specify that members are to contain their airplanes within the 10 acre leased space. No airplanes will be permitted to be flown beyond this limit. However, strict enforcement of this rule will be necessary since the radio range of these airplanes exceeds the 10 acre limit. Therefore, to prevent accidental flights over and possible crashes onto neighboring properties, the club will have to strictly enforce its own rule.

4. The site is not served by water and sewer, but the cistern and septic tank will be provided. The site is adequately served by police and fire protection, and has adequate storm water drainage capability. The Board must also consider whether Liz-Mark Road is adequate to serve the proposed activity. Currently, the Liz-Mark is a one-lane, county maintained street which serves two (2) houses and one (1) farm, as well as the applicant's property. The applicant's plan indicates that the heaviest traffic period will be between 5:30 p.m. and 6:30 p.m. Saturdays when twelve (12) vehicles are expected to leave the facility. The applicant expects that vehicles will be entering the site at various times throughout the weekend, with no peak traffic count. Also, the applicant expects no more than six (6) vehicles per weekday evening. This amount of traffic should be adequately handled by Liz-Mark.
5. The activity should not create excessive additional requirements at public cost for public facilities and services. However, since Liz-Mark Road is in need of repair, the increased traffic from the club may require the county to perform routine maintenance more often.
6. The Board must consider whether the radio control club will involve uses, activities, processes, materials, equipment, and conditions of operation which will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The traffic issue is described above. The applicant has explained that a motor on a model airplane is no louder than a gas powered weed trimmer. Also, if the club is able to strictly enforce its own safety rules, there should be no hazard to adjoining properties.
7. The existing vehicular approach to the property does not create an interference with traffic on Liz-Mark Road. Also, the intersection of Liz-Mark and Idlewild Roads is sufficient to handle the expected traffic from the proposed activity.

The Board must also consider the following criteria which apply to Conditional Uses in A-1 zoning districts:

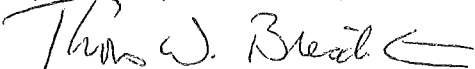
- a. Staff does not believe that the proposed activity will overpower, transcend or conflict with the principal purpose of the district, which is "to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban areas." (p. 6-1)

- b. Staff believes that the arrangement of the use and its building are mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Concerns

1. Staff is concerned that, if approved, there may be instances where the club is unable to control its members and how they fly their model airplanes. If even one airplane is controlled improperly, it will have the potential for damage to surrounding properties.
2. Staff is concerned with the possible noise which may be created by a number of airplanes flying at one time. The applicant should be prepared to address this issue with noise studies at the meeting.
3. A neighbor has expressed the concern that the radio controls will interfere with radio and television reception in the area. The applicant has assured me that the FCC regulates the frequencies which are available for model use and that there will be no interference with radio and television signals.
4. The condition of the road may deteriorate with increased traffic from the club. Staff would recommend that, if approved, the applicant work with the county public works department to help maintain Liz-Mark Road.
5. No sign information was submitted with the application and Site Plan. If approved, the club will be required to submit a separate sign permit application.
6. Attached are the comments and concerns of the Historic Preservation Officer.

Respectfully submitted,


Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat

ex. barn



existing historic house



to Liz-Mark

10 ACRE DEVELOPMENT SITE

gravel drive

10 Acre

(A)

(C)

(D)

(V)

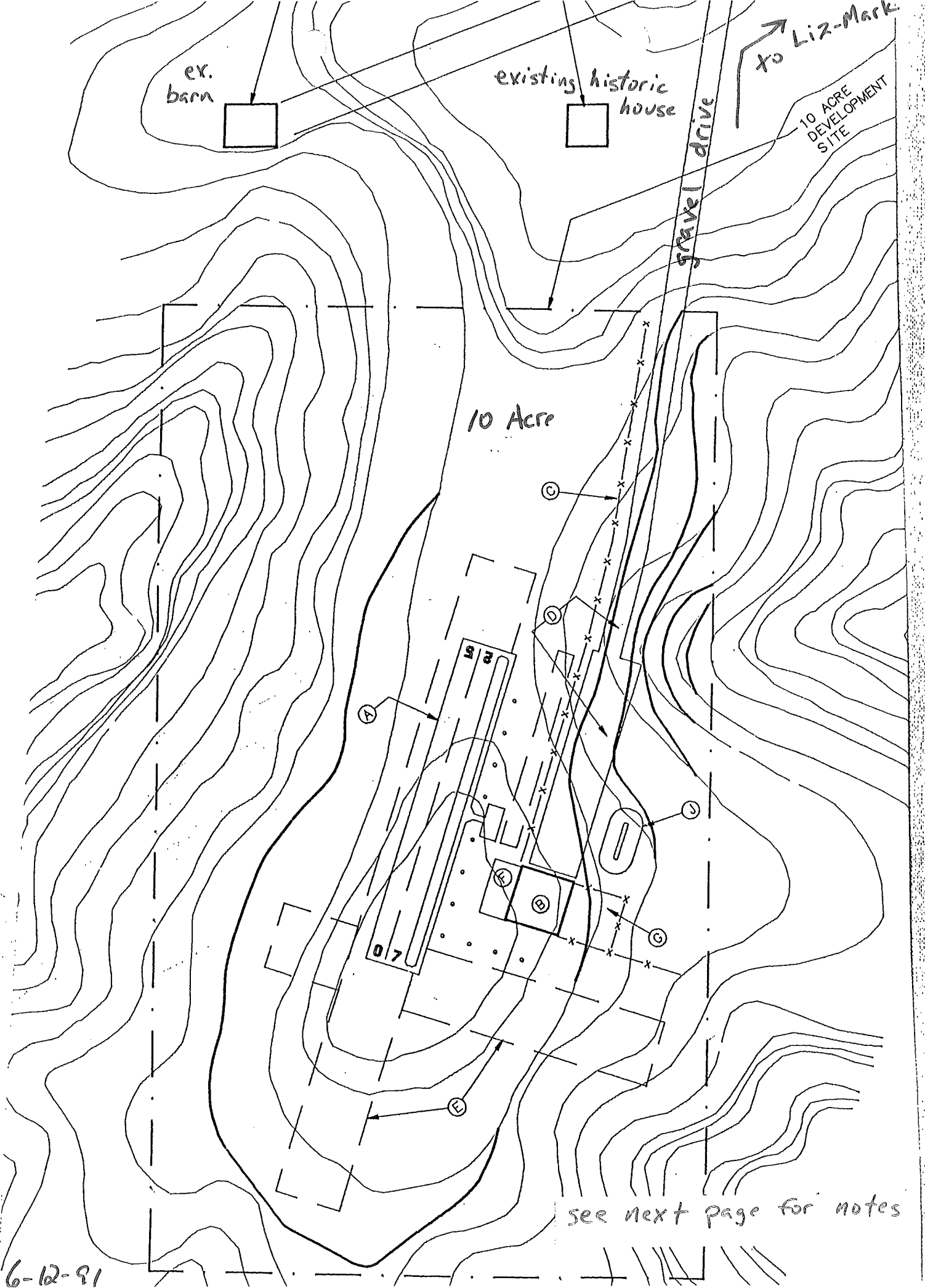
(B)

(G)

(E)

see next page for notes

6-12-91



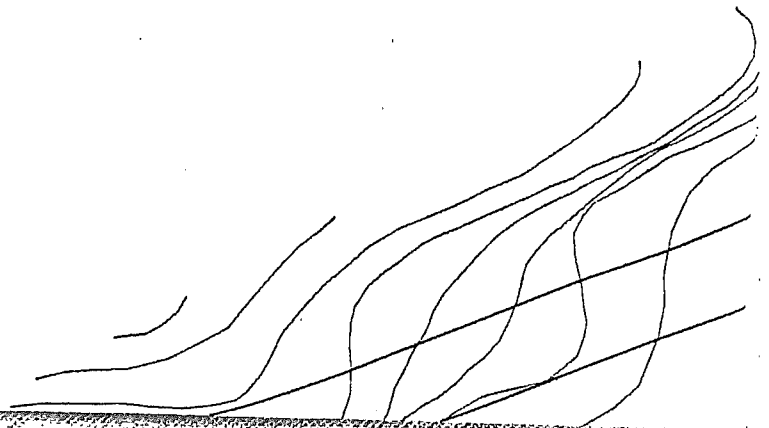
Notes to Comair Site Plan

KEY NOTES

- (A) ASPHALT CONCRETE MODEL AIRPLANE LANDING STRIP.
- (B) CLUB HOUSE BUILDING (14' HIGH).
- (C) 4' FENCE TO CONTROL SPECTATORS.
- (D) 20' GRAVEL DRIVE AND 45' x 200' GRAVEL PARKING LOT FOR 20 SPACES.
- (E) GRASS LANDING STRIP.
- (F) SCREENED - IN DECK.
- (G) FENCED PLAY YARD.
- (H) 8' LONG x 4' HIGH DOUBLE-FACED GROUND SIGN WITH TOP AT 7' ABOVE GROUND, LOCATED 20' FROM EDGE OF PAVEMENT.
- (J) MODEL CAR TRACK.

GENERAL NOTES

1. WATER SUPPLY IS BY CISTERN.
2. SANITARY SYSTEM IS SEPTIC TANK AND LEACH-FIELD.
3. STORM DRAINAGE IS SHEET DRAINAGE.
4. ELECTRIC WILL BE EXTENDED FROM EXISTING HOUSE.
5. PEAK TRAFFIC IS 12 VEHICLES LEAVING SITE FROM 5:30 - 6:30 PM ON SATURDAYS.



6-12-91

Bruce Ferguson
County Judge—Executive



Donald E. Clave
Chairman

Susan M. Cabot
Historic Preservation Officer

BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

POST OFFICE BOX 900
BURLINGTON, KENTUCKY 41005
PHONE (606) 334-2111
FAX (606) 334-3105

June 7, 1991

Mr. George Whitton, Chairman
Boone County Board of Adjustments
2995 Washington Street
Burlington, Kentucky 41005

Dear Mr. Whitton:

I am writing on behalf of the Boone County Historic Preservation Review Board in regard to the request for a Conditional Use Zoning Permit by the Comair Radio Control Club.

The property line of the ten acre proposed site is within less than two hundred feet of a significant Boone County historic resource. The existing farmhouse was built circa 1830-1840 and remains remarkably intact. Although this is not part of the proposed site nor would the plans of the Comair Radio Control Club appear to place the house in jeopardy, we do have some concerns.

The Historic Preservation Review Board requests that the Board of Adjustments make it clear to the applicant that their plans have no negative impact on the existing structure. The house is currently vacant and we have asked the owner to secure the doors and windows to prevent damage from the elements or vandalism. We would ask that the applicant respect our concern for this resource and do their best not to cause it any harm.

Thank you for the opportunity to comment on this application. Please feel free to contact me with any questions before or during the review hearing.

Sincerely,

Susan M. Cabot
Historic Preservation Officer

cc: Bruce Ferguson, Judge-Executive

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Laurance Bergman, Partner
4440 Carver Woods Drive
Cincinnati, Ohio 45242

2. ADDRESS OF PROPERTY

4194 Liz-Mark Road
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Comair Radio Control Club

DEED BOOK: 361 PAGE NO.: 253

GROUP NO.: 2012

4. TYPE OF RESTRICTION (S) (Check all that apply)

_____ Zoning Map Amendment from _____ to _____ X Conditional Use Permit

_____ Development Plan _____ Conditional Zoning Condition

_____ Subdivision Plat (unrecorded) _____ Other: (Specify)

_____ Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

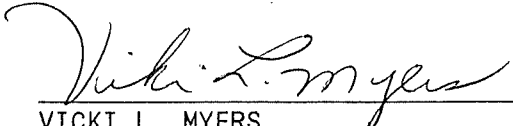
Thomas W. Breidenstein
SIGNATURE OF COMPLETING OFFICIAL

Thomas W. Breidenstein, Zoning Enforc. Officer
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Thomas W. Breidenstein
on behalf of the Boone County Planning Commission this 14th day
of October, 1991.

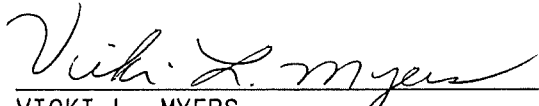


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 19, 1991, (Certificate of Land Use Restriction #BCBOA-91-023-A), for Laurance Bergman, Partner, property owner.

Mr. Ryan moved that the request be granted subject to the five conditions indicated by Chairman Whitton. Mr. Nevel seconded the motion. Chairman Whitton stated that if the group is willing to comply with certain conditions, he would not object to the request. One of the conditions would be that they have a 270-acre farm and the only area of flying would be between the silo and the old barn. The planes would not leave that area. If wind conditions require, the strip can be used for take-off and landing, but once airborne the planes must be between the silo and the barn and are never to leave that area. He stated that this would isolate the sound and provide for safety in the area. Chairman Whitton stated that all of the planes flown during the demonstration were generally quiet. He added a second condition that only planes with mufflers that are at least as quiet as those flown at the demonstration would be permitted. A third condition would be that flying would only be permitted no earlier than 9 A.M. and no later than 9 P.M. or dark, whichever is earlier. A fourth condition would be that the club provide proof of liability insurance to the Planning and Zoning Office. The fifth condition would be that the house not be tampered with in any way due to the concerns of the Historic Preservation planner.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 361 PAGE NO. 253 Group No. 2012